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Mark B. Hudoba 3
Yoon S. Kim, 1
William E. Lombardini 1
Alyshia K. Lord 1
Richard B. Mackie 1

Special Counsel:
Ellen B. Sturm 3, 8,9



Tel. (800) 800-0000

Fax. (800) 853-5153

420 Lexington Avenue, Suite 2140

New York, NY 10170

www.TheBarnesFirm.com

3 Brett L. Manske
3 John C. Murrett, Jr.
2 Allen R. Oghassablan
1,3,4 Christian R. Oliver
3,4 Joshua C. Olmstead
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August 22, 2022

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
SDNY-500 Pearl Street
New York, NY 10007

RE: **Fabien v. Atlas Van Lines, et al**
21 Civ. 7178 (LGS)
PRE MOTION LETTER
MOTION CONFERENCE SCHEDULED FOR 9/8 at 4pm.
MEDIATION also on for 9/8 with Lucille Fontana Esq.

Dear Honorable Schofield,

This matter is scheduled for a potential motion conference on 9/8 at 4pm as per the second revised scheduling order. Barring any concession on liability by the defendant, the plaintiff intends to bring a summary judgment motion on liability for this hit in the rear motor vehicle accident case. The purpose of this motion would be to simplify the issues at any possible trial and for said trial to be based upon damages only. The plaintiff would also point out to the court that this case is scheduled for a mediation on the same day as the motion conference. It may be appropriate for the motion conference to be adjourned, as the case may hopefully resolve on that date. The plaintiff will leave such an adjournment to the courts' discretion.

The basis of our potential liability motion would be that the facts in this case indicate that this motor vehicle accident resulted from the defendant vehicle striking the plaintiff vehicle in the rear. The defendant cannot offer a non-negligent explanation for the accident.

On October 13, 2018, the plaintiff was lawfully operating his vehicle on the George Washington Bridge approaching New York. The plaintiff vehicle stopped appropriately for evolving traffic conditions, but the defendant was unable to do the same, and struck the rear of the plaintiff vehicle. The collision caused the plaintiff to suffer severe personal injuries which are the subject of this case. As such the plaintiff respectfully will request entitlement to summary judgment as to liability due to the Defendant's failure to exercise due care to avoid the rear end collision at issue, thereby violating New York State Vehicle & Traffic Law §1129.

The defendants will not be able to offer any non-negligent explanation for the accident, though it would be anticipated they will try to allege a short stop or other non-accident-related vehicle as being the cause of the accident. The evidence and case law will demonstrate that any explanation will be insufficient to defeat summary judgment.

Thank you for your time and consideration.

Very Truly Yours,

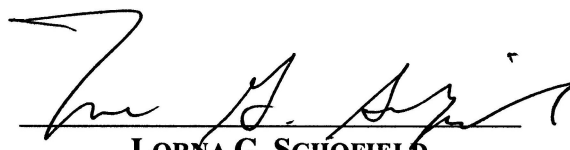
Sean. L. Sasso, Esq.

The Barnes Firm P.C
BY: Sean L. Sasso, Esq

Application **DENIED** without prejudice to renewal. Plaintiff's pre-motion letter is not in compliance with Individual Rule III.A.1, which requires the party to identify all of the issues in dispute and explain the legal and other grounds for the motion. Plaintiff shall file a pre-motion letter in compliance, not to exceed three pages, by **August 29, 2022**. Defendants shall file a responsive letter, not to exceed three pages, by **September 5, 2022**. The pre-motion conference scheduled for September 8, 2022, is adjourned to **September 14, 2022, at 4:00 P.M.** At that time, the parties shall call 888-363-4749 and use the access code 558-3333.

So Ordered.

Dated: August 23, 2022
New York. New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE